



Missouri Department of Natural Resources

MISSOURI CLEAN WATER COMMISSION MEETING

March 21, 2001

Sheraton Hawthorn Park Hotel, Springfield, Missouri

MINUTES

Present

Thomas A. Herrmann, Chairman, Missouri Clean Water Commission
Davis Minton, Vice-Chair, Missouri Clean Water Commission
Janice Schnake Greene, Commissioner, Missouri Clean Water Commission
Cosette D. Kelly, Commissioner, Missouri Clean Water Commission
Kristin M. Perry, Commissioner, Missouri Clean Water Commission

M. Ali Almai, Kansas City Water Services Department, Kansas City, Missouri
Gordon Belcher, Department of Natural Resources, Jefferson City, Missouri
Danny Blevins, Springfield, Missouri
Stacy Blevins, Springfield, Missouri
Cynthia Brookshire, MO Board of Geologist Registration, Springfield, Missouri
Robert Brundage, Premium Standard Farms, Princeton, Missouri
Loring Bullard, Watershed Committee of the Ozarks, Springfield, Missouri
Gale M. Carlson, Department of Health, Jefferson City, Missouri
John Carter, The Doe Run Company, Viburnum, Missouri
Randy Clarkson, Department of Natural Resources, Jefferson City, Missouri
Ann Crawford, Department of Natural Resources, Jefferson City, Missouri
Cindy Davies, Department of Natural Resources, Springfield, Missouri
Cindy DiStefano, Department of Conservation, Columbia, Missouri
Carol Eighmey, Petroleum Storage Tank Insurance Fund, Jefferson City, Missouri
Ray Forrester, The Forrester Group, Springfield, Missouri
Angel Hartzell, Taney County Regional Sewer District, Forsyth, Missouri
Kevin Hess, Department of Natural Resources, Springfield, Missouri
John Howland, Department of Transportation, Jefferson City, Missouri
Fred Hutson, Department of Natural Resources, Jefferson City, Missouri
Michael D. Irwin, Department of Natural Resources, Jefferson City, Missouri
Bill Johnson, Delta Environmental Consultants, St. Charles, Missouri
Ed Knight, Director of Staff, Missouri Clean Water Commission
Scott Kolb, Dyno Nobel, Inc., Carthage, Missouri
John Larson, Transystems Corp/REGFORM/KC Chamber, Kansas City, Missouri
Richard J. Laux, Department of Natural Resources, Jefferson City, Missouri
Richard McMillian, Southwest City, Springfield, Missouri
Sterling Macer, Springfield, Missouri
John Madras, Department of Natural Resources, Jefferson City, Missouri

Bobbie Moyer, Springfield, Missouri
Kevin Mohammadi, Department of Natural Resources, Jefferson City, Missouri
Rick Muenks, Shadowood Homeowners, Springfield, Missouri
Earl Pabst, Department of Natural Resources, Jefferson City, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
Dan Philbride
Jim Pickett, Springfield, Missouri
Ron Poage, Springfield, Missouri
John Pozzo, Ameren, St. Louis, Missouri
Joy Reven, Department of Natural Resources, Jefferson City, Missouri
Brad Roberts, Shadowood Homeowners, Springfield, Missouri
Phil Schroeder, Department of Natural Resources, Jefferson City, Missouri
Carrie Schulte, Department of Natural Resources, Jefferson City, Missouri
Tim Smith, Greene County, Springfield, Missouri
John Souttee, Taney County Regional Sewer District, Forsyth, Missouri
Steve Townley, Department of Natural Resources, Jefferson City, Missouri
Diane Waidelich, Secretary, Missouri Clean Water Commission
Roger Walker, Armstrong/Teasdale, St. Louis, Missouri
Llona Weiss, Department of Natural Resources, Jefferson City, Missouri
Shelley A. Woods, Assistant Attorney General
John A. Young, Director, Division of Environmental Quality

Chairman Herrmann called the meeting to order at approximately 9:05 a.m. and introduced Commissioners Greene; Kelly, Perry, Minton and Director of Staff, Ed Knight; Assistant Attorney General, Shelley Woods; and Secretary, Diane Waidelich. Commissioner Hegi was absent.

ADMINISTRATIVE MATTERS

Final Action on Proposed Amendment to 10 CSR 20-14.010

Mr. Belcher, Technical Assistance Program, summarized comments received on this proposed amendment.

A general comment stated that the current rules should remain in place and be enforced. The department feels the proposed changes are necessary to accomplish the goal of creating and maintaining an adequate pool of trained, skilled, and certified waste management system operators. The commenter made the general statement but did not provide any specific recommendations on why it should remain the same and did not specifically address any of the proposed rule changes. The stakeholders recommended many of the proposed changes. Mr. Belcher recommended no change be made as a result of this comment.

10 CSR 20-14.010 (1)(B) Definition: CAFO Supervisor

Two commenters agreed that supervisors must be available by phone or radio and able to respond to emergencies within 30 minutes. Two other commenters disagreed with allowing supervisors 30 minutes to respond to an emergency. They felt this would increase the likelihood and potential damage of a spill. Mr. Belcher noted the proposed rulemaking does require that a certified operator be there and no change was recommended.

10 CSR 20-14.010 (1)(C) Definition: CAFO Assistant Supervisor

Two commenters agreed with eliminating the “Assistant Supervisor” classification. Mr. Belcher noted this term did not serve any purpose and recommended removal of this term.

10 CSR 20-14.010 (1)(C) Definition: CAFO Operator

Three commenters agreed that operators should be allowed to supervise up to five trainees. Previously one trainee per certified operator was allowed. A good application site would have more than one assistant. Mr. Belcher recommended no change as a result of this comment.

10 CSR 20-14.010 (1)(D) Definition: CAFO Operator Trainee

Two commenters agreed with this change to allow trainees to work “under the direct supervision” of a CAFO operator or supervisor, rather than “in the presence of” a CAFO operator or supervisor. Mr. Belcher recommended no change be made as a result of this comment.

10 CSR 20-14.010 (2)(A) CAFO Waste Management System Requirements: Operator Requirements

A commenter stated that all CAFO wet-handling waste management systems should have a certified operator, regardless of their size classification. This comment was not within the scope of this proposed rulemaking and no change was recommended as a result of this comment.

10 CSR 20-14.010 (2)(C) CAFO Waste Management System Requirements: Timeframes

Two commenters agreed with the change that will allow operator trainees 60 days, rather than 30 days, to submit their certification applications to the department. Mr. Belcher stated the longer period of time is needed for the seasonal operators to get their application in and decide if they want to stay in this field.

One commenter disagreed with the change that will allow operator trainees 18 months, rather than 12 months from initial employment, to complete their training and pass the examination.

Mr. Belcher stated summer help needs more time because they are seasonal employees and recommended no change as a result of this comment.

10 CSR 20-14.010 (2)(D) CAFO Waste Management System Requirements: System Classification

Two commenters agreed with eliminating the current classification point system for operator certification levels. Mr. Belcher reported they found that all Class IAs required an A level supervisor and the point system served no real purpose. He recommended proceeding with elimination of the point system.

10 CSR 20-14.010 (2)(E) CAFO Waste Management System Requirements: Owners

A commenter disagreed with the requirement that employers furnish the department with the names, addresses and positions of their operators and trainees, stating this is “confidential information.” Mr. Belcher noted the department agrees that owners should not be required to furnish confidential information regarding their operators and trainees. He recommended 14.010(2)(E) read as follows: The owners of CAFO waste management systems shall furnish the department, upon request, the names, business addresses and positions of all employees who are operator trainees, CAFO operators or CAFO supervisors within their CAFO waste management systems. The last sentence in (2)(E) speaking specifically to operator trainees and section (5) regarding the effective date which is now obsolete were proposed for deletion.

Commissioner Greene moved to **adopt 10 CSR 20-14.010 as proposed by staff**; seconded by Commissioner Kelly and unanimously passed.

Final Action on Proposed Amendment to 10 CSR 20-14.020

Mr. Belcher, Technical Assistance Program, summarized comments received on this proposed amendment.

10 CSR 20-14.020 (3)(G)1. Certification of Competency: Precertification Course

Two commenters disagreed with the requirement for a thirty-hour precertification training “course.” These commenters preferred “cumulative” training hours, with a minimum course length of one hour, that may include “hands-on practical application.” The department already allows this thirty-hour course to be offered in a modular format that allows hands-on practical application. Currently, one such course is approved as five one-day modules. They may be taken in any order. When all five modules are completed, the training requirement has been met. Allowing “cumulative” hours and one-hour courses could result in thirty different one-hour training courses. Mr. Belcher recommended proceeding with the proposed change to this rule. He noted renewal training is currently allowed in three-hour blocks and it was recommended this be reduced to one hour.

10 CSR 20-14.020 (3)(G)1.A. Certification of Competency: Wet Handling Systems

Two commenters said that the precertification training should be reduced from thirty hours to sixteen hours. However, these commenters specified “sixteen hours of in-class training,” saying that “hands-on training” would go beyond that. A commenter stated that the precertification training for CAFO wet handling systems should be reduced from thirty hours to twelve hours. Two different thirty-hour entry-level training courses have already been developed and presented several times. These courses are based on the information and skills that CAFO operators need to know. The commenters offered no examples, ideas or plans of how this training could effectively be reduced to twelve or sixteen hours. Mr. Belcher recommended the commission retain the current precertification training requirement.

10 CSR 20-14.020 (3)(G)1.B. Certification of Competency: Dry Handling Systems

A commenter stated that the precertification training requirement for CAFO dry handling operators should be reduced from eighteen hours to twelve hours. No dry handling precertification courses have been held or developed for the department to review. The commenter offers no examples, ideas or plans of how a dry handling course could effectively be reduced from eighteen hours to twelve hours. Mr. Belcher recommended retaining the current precertification training requirement for CAFO dry handling system operators.

10 CSR 20-14.020 (3)(G)2. Certification of Competency: Table of Experience Requirements

Two commenters agreed with the change to allow supervisors six months additional equivalency experience for a graduate level degree in a related field. Two commenters stated that the experience requirements for supervisors and operators should be further reduced or eliminated. The commenters suggested a reduction to one or two year's experience for supervisors, rather than the proposed reduction from six years to four years. However, one of these commenters also stated that he could “live with” the proposed change to four years. Another commenter is against any reductions in the experience requirements for supervisor or operator. Mr. Belcher noted reductions in the experience requirements for the supervisor are needed to more accurately reflect the available work force in the CAFO industry. With this proposed change, Missouri will continue to have the most stringent experience requirements of any state. Mr. Belcher recommended proceeding with the proposed change.

10 CSR 20-14.020 (3)(H)1. Certification of Competency: Table of Equivalent Experience

A commenter agreed with this change to allow an additional six months for a graduate level degree in agricultural animal science, biology, chemistry engineering, environmental health science, irrigation management, or soil science. Mr. Belcher recommended proceeding with the proposed change.

10 CSR 20-14.020 (3)(I)1. Certification of Competency: Experience Timeframes

Two commenters agreed to allow eighteen cumulative months, rather than fifteen months, for trainees to gain their operational experience. A commenter stated that “temporary/summer employees” should have four years, rather than fifteen months, to gain their operational experience. This recommended change will allow summer employees more than one season to comply with the rule. Mr. Belcher recommended proceeding with eighteen months to gain experience. He noted staff is trying to establish eighteen months as a constant for water, wastewater, and CAFOs.

10 CSR 20-14.020 (4)(B)1. Certificate Renewal: Renewal Training Hours

A commenter stated that the renewal training requirement for wet handling systems should be reduced from twenty-four hours to twelve hours, per three-year renewal period. However, this commenter said that they could meet the current twenty-four hour requirement if the minimum course length were reduced to one hour and credit hours were allowed for “hands-on” training. Mr. Belcher reported according to the proposed change in 10 CSR 20-14.030(5), the minimum course length for renewal training will be reduced from three hours to one hour. The department approves organized and structured hands-on training. The commenter offered no examples of how this renewal training could effectively be reduced from twenty-four hours to twelve hours. Mr. Belcher recommended retaining the current renewal training requirement.

Commissioner Perry noted she does not understand the reasoning for rejecting the sixteen hours versus the thirty hours under subparagraph (3)(G)1.A.

Mr. Belcher responded if they want to submit hands-on, structured training, staff will entertain that but they would like to retain the total of thirty hours.

Commissioner Perry asked why is thirty hours was selected.

Mr. Belcher stated a Need to Know was developed with input from industry. There was no indication of how they would cover the same amount of material in less time. There is no plan for achieving everything in the Need to Know in sixteen hours. Mr. Belcher noted there are two providers. Crowder College has a thirty-hour course. Premium Standard Farms has a course of approximately 40 hours and has submitted an additional five days of hands-on training that has been approved. This is around 70 hours for their initial training.

Commissioner Minton noted Premium Standard Farms' training may be so extensive because they go above and beyond any other CAFO in the state or nation simply to qualify themselves. He continued that doesn't necessarily mean that the entire industry would need this many hours. Commissioner Minton asked how this compares to other states.

Mr. Belcher responded they had expected to receive proposals from the egg layers, dairy, and hog operations but nothing was received. A number was proposed but there was no plan of action on how to achieve it. Some states are at sixteen hours, others are at three hours. When the rule was initially proposed, staff was looking at lagoons, municipals and mechanical plants. Those courses tend to be thirty to seventy hours. There was not a Missouri model for fewer hours. The Need to Know was developed with extensive input from industry. Mr. Belcher noted, as a nationally certified environmental trainer, sixteen hours seems inadequate.

Responding to Commissioner Greene's question regarding paragraph (3)(G)1., Mr. Belcher stated he has no problem with breaking the training up but to approve thirty one-hour modules would be an administrative nightmare. He continued that effective training needs to be more coherent than fragmenting it up into one-hour increments.

Commissioner Greene asked what the job expectancy of a CAFO supervisor is.

Mr. Belcher noted there is a fairly high turn over rate of operators but was not sure of the turn over rate for operators versus supervisors. He noted turn over is higher in the CAFO industry than in the fields of drinking water and wastewater.

Commissioner Greene asked if it is likely that individuals will regularly get the four years before they move on.

Mr. Belcher responded there is not enough historic background to give a good answer. A number of people have just reached the six years. It has been difficult for industry to get to this point. Mr. Belcher noted he does not believe any other state has experience requirements.

Commissioner Minton asked if four years still unrealistic.

Mr. Belcher replied he believes that four years will be very difficult for industry to achieve.

Commissioner Minton asked what level of experience it takes in order to certify someone.

Chairman Herrmann noted part of this is equivalent training in education so it's not necessary to have four years on the job.

Mr. Belcher noted it is very important to stay focused on the initial training if further reducing the experience level is considered. He stated the commission may want to supplement the training that a supervisor would be required to have to make up for the lack of years of experience. If an individual does not have the education and relies solely on the four years of experience, it will still be difficult for industry to maintain enough staff.

Commissioner Greene asked what proportion has graduate degrees.

Mr. Belcher responded industry requested this because some people do have graduate degrees. He noted he would not like to see both the amount of training and years of experience lowered.

Commissioner Minton noted Mr. Brundage has been the advocate for most of the CAFO operations and has given a lot of valuable information to the commission. He noted it's difficult to lower the requirement based upon comments made when the rest of industry, which this will radically effect, really didn't make a lot of comments concerning the matter. Commissioner Minton noted he is surprised it was so important to them to work toward that end and yet they did not comment.

Commissioner Greene stated if they do have a graduate degree and they get 2.5 years equivalency, reducing to 3 years would give them only 6 months of experience in the field.

Commissioner Greene moved to **adopt 10 CSR 20-14.020 as proposed by staff**; seconded by Commissioner Kelly and unanimously passed.

Final Action on Proposed Amendment to 10 CSR 20-14.030

Mr. Belcher, Technical Assistance Program, noted the general comment that current rules should remain in place and be enforced was also received on this proposed amendment.

10 CSR 20-14.030 (5) Operator Training: Renewal Credit

A commenter agreed that the minimum course length allowed for credit hours should be changed from three hours to one hour. Mr. Belcher recommended proceeding with the proposed change on renewal training.

Commissioner Kelly moved to **adopt 10 CSR 20-14.030 as proposed by staff**; seconded by Commissioner Perry and unanimously passed.

Final Action on Proposed Amendment to 10 CSR 20-6.011

Mr. Schroeder, Chief of the Water Pollution Control Program Permits Section, reported a public hearing was held on proposed changes to the permit fee regulation during the commission's January 24, 2001 meeting. Oral and written comments were received prior to the comment period closing on February 7, 2001. Mr. Schroeder noted all but one of the comments received related to the sewer service connection fees that are administered through the municipalities.

Mr. Schroeder summarized comments received on the proposed amendment as follows.

One comment requested clarification of the meaning of an “indirect connection” when determining which connections qualify for collection of the service connection fees under subsection (2)(B). The word “connection” is not defined by the statute. Mr. Schroeder noted a reasonable interpretation of the word would mean any hard piping or any permanent, fixed connection to a sewer treatment plant. This would exclude such things as waste haulers that would bring waste to the plant by truck. “Indirect” connections refer to any persons whose sewer flows to a collection system that is owned or operated by a separate entity from the publicly operated treatment plant owner that ultimately discharges to the POTW. An example of an indirect connection is a sewer collection system that wholesales sewage to a central or regional treatment system. Mr. Schroeder recommended no change to the proposed rulemaking as discussions with other municipalities revealed this has not become an issue.

Another comment related to how the fees on industrial/commercial customers were determined when the number and size of water service connections are unknown. Mr. Schroeder noted the statute specifies that the fee is based on the size of the water service connection for an industrial/commercial customer to a public sewer system. A comment was made that the sizes of the water connections are not known particularly in the large municipalities and requested clarification on how to get those numbers in order to make an accurate count of those connections. Mr. Schroeder reported, in order not to cause a delay in remittance of those collections, it was decided not to require the municipalities to do a thorough check of all of those connections to determine what the sizes and numbers were. They are asked to make the best estimates that they can at least for the first year. Mr. Schroeder recommended no change as a result of this comment.

One comment questioned whether or not industrial/commercial customers are exempt from the sewer service connection fee when their water service is provided by a private company. Mr. Schroeder reported if a customer is using a non-public water source, the connection fee will be three dollars. Under the Service Connection Fees table, Mr. Schroeder requested the language be revised to say private or public water supply system.

One commenter requested that the rules be written to require water service providers to identify for the public sewer operator the size of the water connections to industrial/commercial customers of a public sewer system. Mr. Schroeder stated staff believes a reasonable effort should be made but to require water service providers to give that information would cause a delay in collection of the remittance of the sewer service connection fees. A reasonable effort over the next year will lead to good estimates and reasonable remittance of the fees. In discussions with municipalities, it does not appear that this is a major problem across the state. Mr. Schroeder recommended no change be made as a result of this comment.

A comment expressed concern regarding the difference between the fees on general permits for land disturbance activities and the chemical fertilizer/pesticide facilities. For land disturbance the fee is \$300 for a five-year permit. The fee is \$50 per year for the chemical fertilizer/pesticide facilities for a five-year permit. Mr. Schroeder noted these fees are provided by statute and cannot be changed through this rule.

Another comment requested clarification on how this proposed rulemaking will require municipalities to pay a fee on sewer extension authorizations. Mr. Schroeder explained some municipalities across the state have authorization from the state to grant sewer extensions without the requirement to come to the state for a separate construction permit. No change is intended where written authorization from the state exists. Mr. Schroeder recommended no change be made as a result of this comment.

One comment stated that the fee rates for the privately-owned domestic sewage treatment systems for flows between 5,000 gallons per day and 5,999 gallons per day, and between 6,000 gallons per day and 6,999 gallons per day are inconsistent with Senate Bill 741. Mr. Schroeder noted this comment did identify an error in the proposed rulemaking. The rulemaking was corrected to reflect the fees as specified by Senate Bill 741.

A commenter questioned whether or not this proposed rulemaking should further define the procedures for billing residential customers. The same comment asked whether or not the provider could collect the fees in accordance with its own definitions of “residential” and “industrial/commercial.” The statute allows the public sewer agencies to collect the sewer service connection fee through the same procedures used locally for collecting other sewer fees. At this time, the existing billing procedures for residential customers appear to be adequate to satisfy the requirements of Senate Bill 741, therefore, developing a standard billing procedure is not necessary. If a standard procedure is needed in the future, subsequent rulemaking will be proposed. Mr. Schroeder recommended no change be made as a result of this comment.

A comment requested clarification of which fee applies for apartment housing. The statute allows the provider to apply fees in accordance with the provider’s existing billing procedure until the Clean Water Commission promulgates rules defining a new procedure. If the provider’s existing procedures do not clearly support one type of fee over the other, then the provider can choose either fee, a residential fee per apartment or an industrial/commercial fee for the entire apartment building. Mr. Schroeder noted during discussions with municipalities it was noted if an apartment building has a meter for each unit, the residential fee is charged. If the complex has one meter to serve the entire apartment complex, then the industrial/commercial fee is charged. Mr. Schroeder recommend no change be made as a result of this comment.

The last comment stated that the proposed rulemaking on sewer service connection fees does not include an exemption for fire suppression systems. Mr. Schroeder noted the reference to the exemption for fire suppression systems has been added to the proposed rulemaking.

Mr. Knight noted the change requested under industrial/commercial connections in Appendix A needs to delete the second "public."

Commissioner Perry moved to **adopt 10 CSR 20-6.011 as proposed by staff adding the change to industrial/commercial connections to read as follows: \$3 per connection to public water service lines less than 1 inch in diameter or per connection to a private water supply system;**" seconded by Commissioner Greene and unanimously passed.

Final Action on Proposed Amendment to 10 CSR 20-6.060

Mr. Madras, Chief of the Water Pollution Control Program Planning Section, reported the water quality certification process is tied to the Corps of Engineers (COE) process. The Joint Processing Agreement with the COE tells how water quality certifications and 404 permits are coordinated. Staff will be meeting with the COE next week to discuss how that document should be changed under the nationwide permits. Staff anticipates agreement between the department and the five COE districts.

Commissioner Minton asked what will be discussed at the meeting with the COE next week.

Mr. Madras replied the intent of the meeting is to make changes to the Joint Processing Agreement to make the process flow smoothly. He continued that nationwide permits are at a brief lull. Most of the nationwide permits expire February 2002. The COE will begin the renewal process in the next 60 days. Mr. Madras noted this topic could be discussed next week or soon thereafter.

Mr. Madras summarized comments where changes are proposed.

One commenter stated certifications need to be issued in a timely manner. This is recognized as a problem and it is expected that more staff time will be dedicated to this along with streamlining the process. Staff now has 60 days from the date of application to issue the certifications. Staff expects to have the certifications completed prior to that deadline.

Another commenter stated some water quality certification conditions have little to do with water quality standards. Staff believes this generally to be the case and proposed language to add to the preface of the rule to state that more directly.

Commissioner Minton noted after hearing comments from various agencies he believes they really have a problem with the water quality certification conditions. Their concern is that they can't grasp what water quality certification is about. He asked if the additional language

would adequately address the issue and make it more palatable for these agencies to work with staff in order to achieve 401 certification.

Mr. Madras responded that the key to solving a lot of these problems is communication before an application is actually written. He continued that staff would be happy to discuss with anyone how the specific conditions are worded and tied back to standards.

Commissioner Minton asked how these proposed changes will make it easier for an agency or an individual to find out who to contact in order to get the department staff involved earlier in the process.

Mr. Madras responded that staff would like to contact their most frequent applicants so that when they plan projects staff can be involved prior to the application stage. He noted most problems tend to show up from applicants that staff work with fairly frequently.

Commissioner Minton asked how applicants for 401 certification know to contact the department staff.

Mr. Madras replied staff will be trying to set up staff in the regional offices to be the contacts for this.

Commissioner Minton asked if the department has a form similar to what the COE has that explains what is needed in order to have a complete application.

Mr. Madras noted there is presently no such form but it would be good to have.

Commissioner Minton commented this is necessary.

Commissioner Perry noted there is no checklist for applicants to use and the Aquatic Resource Mitigation Guidelines have never been promulgated according to rulemaking procedures, which means they could be easily challenged. She continued there is a permitting process for people to engage in activities in a way that will protect the environment. These individuals should be able to come to staff for information on what they need to do.

Mr. Madras replied a later suggestion is to put the Aquatic Resource Mitigation Guidelines into rule which would answer a lot of questions related to those as well as the guidelines for antidegradation, sand and gravel excavation, whole effluent toxicity and others. Mr. Madras stated one of the pieces that will be used to make certifications work will be part of the Water Quality Standards rule.

Commissioner Perry said there is nothing available that says these are the standards that have to be met.

Mr. Madras noted this is correct other than having a copy of the guidance documents.

Commissioner Perry noted what she has seen seems to be pretty discretionary.

Mr. Madras noted there is some interpretation allowed within them along with professional judgment.

Commissioner Perry said the question is how to make this more concrete and more specific so the process can be completed in a timely manner so the activities can move forward.

Mr. Madras responded there is a rule that describes the process but it does not go into specifics. He noted this is what staff hopes to incorporate into the water quality standards but not within this rule.

Commissioner Minton noted this is a legitimate point. The agency needs to assist the applicant through the process in order to get these applications processed timely. There is no consistent procedure to follow. If fees are to be collected, the customer has to get better service. He asked how an applicant will know if an application is complete.

Mr. Madras responded this has always been a coordination issue with the COE because they want to be the agency that decides if an application is complete or not. When staff understands a project, they call the applicant complete. This is a risk in that the COE may not call it complete and the process may drag out longer.

Commissioner Minton asked if the timeline to begin counting the days until an application is complete is when the application goes on public notice.

Mr. Madras stated normally staff is waiting on the COE to make its decision on whether it's complete and how they plan to process the application.

Commissioner Perry asked where the applications go first.

Mr. Madras responded the same package, in theory, goes to the department and the COE at the same time.

Commissioner Perry asked if some of these communications can be discussed in the upcoming meeting with the COE.

Mr. Madras noted they will be discussed.

Mr. Knight informed the commission Water Quality Standards will be discussed later in the meeting. Putting guidelines into the water quality standards is a high priority.

A comment stated there should be shorter time limits for water quality certifications for projects requiring individually certified nationwide permits. Mr. Madras noted sometimes this works depending on the nature of the nationwide permit that is involved. Nationwide 23, categorical exclusions, is a nationwide permit that allows many different types of projects to go forward. Mr. Madras proposed the language in section (5) be changed to a thirty- to sixty-day review process for the applications that can be processed. More complicated applications will take more time. In renewing the nationwide permits, staff hopes to work with the COE to be more exact on which are more complicated than others. In processing these certifications for nationwide permits, staff hopes not to have any certifications that are not accepted by the COE. The conditions offered will be fewer and readily understandable. Many conditions will be incorporated into the conditions that the COE attaches so that they are uniform across a COE district and hopefully across all districts in the state. Staff will attempt to get certifications adopted for all the 44 nationwide permits. Mr. Madras stated this is why the language is not more specific at this time.

Commissioner Perry asked what the timeframe for this is.

Mr. Madras responded the COE will begin this process in the next several months. The 15 nationwide permits that are currently certified cover most of the projects done in Missouri.

Commissioner Perry asked how many projects are being dealt with.

Mr. Madras responded for calendar year 2000 staff processed about 1,250 certifications. About 90 percent of those were some form of a nationwide permit. About 600 of the nationwide permits were ones that there really wasn't any processing on. Another 300 were authorized by the general certifications but it took some coordination to make sure the applicant understood this.

Commissioner Minton said if there are 300 applications that have to be addressed, he does not see how the entire process can take as long as it does. He noted he realizes much of the delay is not the department's fault and he understands the COE's role. Commissioner Minton stated the resources of the state cannot effectively be protected nor service provided to the people of the state with the applications being delayed for this length of time. He asked for reassurance that review of the Aquatic Resource Mitigation Guidelines and Water Quality Standards, and certification of more nationwide permits will actually occur in a timely fashion. Commissioner Minton concluded that as a commissioner and a citizen, anything less than this will lead to neglect of the resources and the citizens.

Mr. Madras responded staff has created a paper routing system that notes the deadline at the top of the document so the deadline is known on each application. Staff date and initial each item on the route sheet as it is completed. Mr. Madras reported there are now more staff dedicated to this activity than there has ever been. One position is currently vacant but will be filled in the near future which should help get the unit functioning more efficiently.

Mr. Madras stated as a result of a comment regarding nationwide permits the department has not certified, staff has been debating whether or not they should do the certifications on these. He noted staff wonders if this is the most effective use of their time since these will only be in existence another ten months.

Commissioner Perry asked if staff anticipates a big change in these when they are reissued.

Mr. Madras replied he does not.

Commissioner Perry asked if completing the certifications would be nonproductive.

Mr. Madras noted they will probably be reissued similarly to what they are now. Staff want to work on this when time becomes available. A suggestion was made that a postcard be sent to the applicant notifying them that the project is ready to proceed. Staff would like to check with the COE before doing this to make sure they agree.

Mr. Madras reported several comments relate to views of other agencies on how things work scientifically. Staff lets the scientists determine how projects actually work and what effects they actually have.

Mr. Madras reported the next comment relates to guidelines which staff anticipates incorporating into rulemaking possibly this fall.

Responding to Commissioner Minton's question, Mr. Madras noted there are a number of guidance documents including the Mitigation Guidelines, Sand and Gravel Excavation Guidelines, and the Channel Modification Guidelines. Staff believes going through the rulemaking process for these is probably a good idea.

Several comments concerned issuing general permits. Mr. Madras noted staff does have general permits and certifications that apply. Others will be completed as time allows.

A question was raised on whether an applicant needs to send an application to the department. Mr. Madras stated if an applicant knows that a project will fall under a nationwide permit, generally the department does not need to see it.

Commissioner Minton asked how an applicant would know that he is not required to obtain 401 certification.

Mr. Madras responded an applicant doesn't know which permit he is going under until the COE makes that decision.

Commissioner Minton asked when the applicant gets his 404 certification, how does he know he can start his project.

Mr. Madras replied the notice from the COE usually tells them whether they need certification.

Commissioner Minton stated the department is depending on the COE to do something they really don't have to do. Some COE districts do not explain the conditions to the applicant.

Mr. Madras stated the applicant should apply to both the COE and the department.

Commissioner Minton noted this comes back to a contact point being needed for the applicant to know there is a form that he needs to fill out.

Mr. Madras noted if someone is new to the process or just doesn't know, it's better to apply to both agencies.

Commissioner Minton stated there is a huge communication deficit because most people don't understand the process. Many landowners depend upon NRCS, who is wanting to withdraw from the process, to determine if certification is needed. Commissioner Minton noted there needs to be contacts at the regional offices or contact information available at NRCS offices for landowners.

Mr. Madras replied the COE issued a pamphlet at one time that contained information on what was needed to get a permit. He noted this could be updated and reprinted and put in the district offices and regions.

A question had been raised regarding what happens if action on an application isn't completed within the 60-day deadline. Mr. Madras reported case law states an application is denied if certification is not issued. Comments were received stating that it should be waived if it is not issued within the 60 days. Language has been incorporated to this effect.

Commissioner Minton asked when the 60-day count starts and how many days staff has to decide if the application is complete.

Mr. Madras noted it begins when staff decides the application is complete.

Commissioner Perry asked how the applicant will know that.

Mr. Madras responded he does not know.

Commissioner Perry asked if it takes 60 days to decide if something is complete.

Mr. Madras said it does not.

Commissioner Minton stated there is no timeline to determine when an application is complete.

Mr. Madras noted if the received date is used the burden is on staff. The 60 days begins when the application is date stamped. If there is a problem, staff will communicate that to the applicant.

Commissioner Minton noted staff receives notice of individual permits on or before the date the COE posts for public notice.

Mr. Madras stated the COE decides that an application is complete before they public notice.

Commissioner Perry stated the COE receives an application first and then notifies staff if it's complete. She asked if time could start from the time staff receives notification from the COE. It can't be from the date it's received because the COE may cause a delay the staff has no control over. She asked why it would take so long to review 300 applications.

Mr. Madras responded this is 300 that have individual certifications. The others are not always routine. Information received by staff is sometimes so sketchy that staff can't tell what the project entails.

Commissioner Perry asked if it's possible that staff will deem an application incomplete that is authorized under a nationwide permit

Mr. Madras replied from the information staff has on hand it would not be difficult to think that a lot are incomplete because the only information staff receives is a letter from the COE to the applicant with a brief description of the project. If staff has signed off on using that nationwide and they have accepted conditions, staff does not need to know.

Commissioner Minton noted the application has to be acted on or it is considered waived. He asked how staff can protect the resources and the applicant if they are dependent upon the COE for their first bit of information.

Mr. Madras noted if the information is not in hand when a public notice is seen, they contact the COE.

Commissioner Minton stated by law if an applicant chooses he can force the issue to go to public notice. Once application is made, there is an obligation to public notice. He stated once a posting is done there is very little time to react. It is critical to streamline the process and have a better line of communication.

Commissioner Perry noted a joint publication from the department and the COE would be good.

Mr. Madras noted this is how the process is supposed to work.

Commissioner Perry asked how the commission can get this process to work through rulemaking.

Mr. Madras replied language was included in this rulemaking stating that if a project changes, staff can go back and take another look at it. This is the only way staff saw to make this process work because the COE has its timelines too. A certification decision will sometimes have to be made before the COE gets to the end of its process.

Commissioner Minton asked about the comment regarding the appeal process not being realistic or reasonable and not being addressed in this amendment. He asked if the appeal process is different for water quality certifications.

Mr. Madras responded they are essentially the same.

Commissioner Minton asked what could be done to address this. He asked if a directive is needed because in many situations this process is too cumbersome and costly for the person on the street.

Mr. Madras noted an indication of this might be that certification appeals over the last eight years have been very few. He continued that applicants are encouraged to discuss problems with certifications with staff. Many modifications of conditions are done after issuance. This is usually the preferred avenue. It's much quicker than going through the appeal process.

Commissioner Minton stated he believes no one understands the appeal process is available to them and many applicants give up before they get to this step. He said possibly instead of deferring these issues to a hearing officer, they could bring them to the commission.

Shelley Woods, Assistant Attorney General, stated many of the appeal procedures are set in statute in Chapters 644 or 536. There is nothing to be done by rule to change the procedures.

Commissioner Minton noted he would like to see the process the applicant has to go through outlined in a letter to the commission.

Commissioner Perry stated this should go in the informational pamphlet so the applicants know what they need to do. She asked if the rule language could be reworded so that the time period starts when an application is received by the department rather than by the COE. She continued that she is bothered by the language of 30 days but no more than 60. She asked if staff can work with the 30 days.

Mr. Madras stated it is this way because there is no blanket statement to be made given the way nationwide permits are.

Commissioner Perry noted if the 60 days begins when staff receives the permit, the COE problem is alleviated. She asked if certification could be accomplished 30 days from the time staff receives notice of the application.

Mr. Madras replied within 30 days along with the other time consideration where it could be extended by mutual agreement of department and applicant.

Responding to Commissioner Perry's question, Mr. Madras stated this could occur when the applicant realizes the agency doesn't have enough information and that staff will use their best professional judgment based on what they know. He continued staff has seen projects where the application looks fairly complete and the project looks fairly bad environmentally. A closer look by staff might find that the project isn't as detrimental to the environment as it appeared.

Commissioner Perry asked if this initial review could be done in the first ten days so the applicant knows.

Mr. Madras replied many times the full scope is not known until later in the discussion.

Commissioner Perry asked if staff couldn't determine if more information is needed when they get notification from the COE and request further information from the applicant. She noted the wording just is not good. She continued that she would like to have information on what is the best way to clearly get everyone on the same page of when this process is beginning.

Mr. Madras responded the suggestion of changing the COE to the department takes care of that issue. He noted staff can try to handle this in 30 days knowing that if there are problems they may end up with an appeal.

Commissioner Minton stated there is no need to overload the commission with appeals because staff worked against a timeline they couldn't meet. He asked what timeframe staff realistically needs.

Following a discussion on lack of planning, Chairman Herrmann stated staff doesn't have to accommodate those that haven't planned ahead.

Commissioner Greene asked what the deadline is that is being used on the route sheets that staff developed.

Mr. Madras replied 60 days is being used.

Mr. Knight stated these same discussions have occurred with NPDES permits because of deadlines in the statutes. With 401s and the NPDES permits, staff is striving to get these processed as quickly as possible. The target is 30 days but there will be instances where staff and the applicants need more time to negotiate issues and disagreements between the two. Mr. Knight noted to shorten that timeframe will result in the department being forced into a position of denying permits or certifying permits with conditions that are unacceptable. This will cause more disputes for the commission. The 60 days will allow for more negotiation with the applicants.

Chairman Herrmann noted some projects are more difficult than others are and there are considerations that have to be taken into account for these. The 60 days gives the flexibility to accommodate those kinds of projects.

Commissioner Perry noted the legal requirement is 60 days so there are no legal ramifications.

Chairman Herrmann noted the only change to consider is when the timeframe starts. He noted that Mr. Howland had submitted a request to comment but the public comment period closed February 7.

Mr. Howland asked if there was no longer language included on a complete application and who it is that determines completeness.

Commissioner Perry stated the language explains what a complete application consists of.

Mr. Madras stated the department's 60 days begins upon receipt. If there is not a complete package, staff has the option of asking for more information. Without that step, the 60-day timeline has begun.

Commissioner Perry noted that applicable mitigation plans will remain in the language. There are no commission rules regarding these, which could lead to the rule being challenged.

Mr. Madras noted mitigation plans are not typically submitted with the application but developing and implementing a mitigation plan is a condition of the certification. It's developed outside of the 60-day deadline.

Commissioner Greene moved to **accept the staff recommendation including revisions made during discussion**; seconded by Commissioner Kelly and unanimously passed.

Mr. Madras read the language approved by the commission in paragraph (5) as follows:

(5) Applications for water quality certifications have a 60-day period in which they must be issued or denied. This period starts when an application is received by the department. Applications for water quality certification for activities requiring individually certified nationwide permits have a 30-day but no more than 60-day period in which they must be issued or denied. Either of these periods may be extended by mutual agreement of the applicant and the department. Submission of an incomplete application may result in denial of water quality certification without prejudice. A complete application consists of the sufficient application submitted to the Corps of Engineers, topographic maps, location maps, engineering plans, project diagrams, and where applicable, mitigation plans. If a water quality certification action has not been taken within 60 days of the date that the application has been received by the department, and the department and applicant have not agreed to extend the certification period, water quality certification will be deemed to have been waived for the activity contained in the application.

Final Action on Proposed Fiscal Year 2002 Clean Water State Revolving Fund Intended Use Plan and State Grant Priority List

Steve Townley, Chief of the Water Pollution Control Program Financial Services Section, reported Duquesne and Southwest City requested to be moved from the Leveraged Loan list to the Forty Percent Grant list. Staff proposal was to leave Duquesne on the Leveraged Loan list at this time since they could not receive sufficient funds under the Forty Percent Grant list. Mr. Townley noted staff will continue to work with the community to build a financial program for them that is affordable.

Commissioner Perry moved to **accept the staff recommendation regarding Duquesne**; seconded by Commissioner Minton and unanimously passed.

After review of Southwest City's request, staff believes the community qualifies for the Forty Percent Grant program. The community's problems regarding redesign of its system to meet Oklahoma limits, the new projected costs, and the size in relation to median household income make it appropriate to include them in the Forty Percent Grant program.

Commissioner Greene moved to **accept the staff recommendation regarding Southwest City**; seconded by Commissioner Perry and unanimously passed.

Norwood requested evaluation of their project regarding eligibility under the Hardship Grant program. Staff review found that they are eligible under the program. Staff proposal was to move the city from the Leveraged Loan program to the Hardship Grant program to provide them a grant of \$495,000 and a matching loan of \$190,000.

Commissioner Greene moved to **accept the staff recommendation regarding Norwood**; seconded by Commissioner Kelly and unanimously passed.

Mr. Townley reported the City of Gallatin withdrew from consideration for financing through the Leveraged Loan program. The city has chosen to finance its project through Rural Development. Recovered funds will be applied to projects on the Contingency List.

Ann Crawford, Water Pollution Control Program Financial Services Section, reported Lewistown requested special priority for its project and a reevaluation of their priority points. The commission regulation states that special priority can be recommended if the project has unique or unusual needs which do not logically fit into the rating system. Staff determined that Lewistown when compared to other communities across the state is not unique. They also do not impact an Enterprise Zone which is another condition of the regulation. Ms. Crawford recommended that special priority not be granted to Lewistown. The community's priority points were reevaluated and they came within one tenth of a point of what they had before so the points were not changed.

Commissioner Kelly moved to **accept the staff recommendation regarding Lewistown**; seconded by Commissioner Greene and unanimously passed.

Ms. Crawford reported representatives of Centerville requested they receive the balance of the Forty Percent Grant list. The community was bumped from the Fundable List to the Contingency List. With the addition of Southwest City, Freeburg was also bumped from the list. There is no balance available for Centerville.

Fountain n' Lakes submitted a written request regarding the special priority being requested by other forty percent grant applicants. Fountain n' Lakes remains on the proposed Fundable List based on staff recommendations. Ms. Crawford reported their fundable status was not affected. . Staff noted that Senator House submitted a letter of support for this project.

Camden County submitted new information and requested their priority points be reevaluated. Staff review determined there was no change in the priority points and they remain on the Contingency List.

Ms. Crawford reported the community of Wentworth requested they be removed from the Hardship Grant list. They were fundable but their user charge was higher than what they would need because of the other grants that they would receive. Norwood replaced this project on the Hardship Grant list.

Commissioner Perry moved to approve the **Fiscal Year 2002 Clean Water State Revolving Fund Intended Use Plan and State Grant Priority List** as submitted by staff; seconded by Commissioner Greene and unanimously passed.

Approval of Stormwater Committee Grant and Loan Project Recommendations

Kurt Boeckmann, Water Pollution Control Program Financial Services Section, reported the commission delegated staff authority to award stormwater grants and loans to cities within first class counties with populations equal to or greater than 25,000 during its November 1999 commission meeting. The commission still approves funding recommendations for first class counties and the Metropolitan St. Louis Sewer District (MSD). MSD and all first class counties received intent to award letters in July 2000 with grant and loan amounts determined by population. Mr. Boeckmann reported the fifteen first class counties are Boone, Buchanan, Camden, Cape Girardeau, Cass, Clay, Cole, Franklin, Greene, Jackson, Jasper, Jefferson, Platte, and St. Charles. Water Pollution Control Program staff have reviewed recommendations submitted by the Storm Water Coordinating Committees. He requested the commission approve the grants and loans as submitted.

Tim Smith, Greene County, reported serious flooding occurred in the southern part of the county last summer. He noted a number of residents from the affected subdivision are present today. Mr. Smith stated the Ward Branch Floodway project is very important to these residents. He noted stormwater is one of the most difficult areas to fund. Without state stormwater grant funds many projects are not possible. Mr. Smith explained this project is for five consecutive years of funding combined with FEMA funds for a floodway buyout. This will enable removal of the high-risk homes from the floodway and construction of the Ward Branch Greenway which will return the area to a use that is much more appropriate. Mr. Smith stated the grants staff has been very helpful in working on this project.

Rick Muenks stated he represents homeowners in the Shadowood Subdivision that are being impacted by the Ward Branch project. He thanked the staff for their assistance with this project. Mr. Muenks stated this project would not be accomplished without the grant money. He requested commission support of the project.

Commissioner Greene moved to **accept the staff recommendation regarding stormwater committee grant and loan project recommendations**; seconded by Commissioner Kelly and unanimously passed.

Commission Action on February 27, 2001 Meeting Minutes

Commissioner Greene moved to **approve the February 27, 2001 minutes as submitted by staff**; seconded by Commissioner Perry and unanimously passed.

Closed Session

Commissioner Greene moved to **go into closed session** at approximately 11:50 a.m. to discuss legal, confidential, or privileged matters under section 610.021(1), RSMo; personnel actions under Section 610.021(3), RSMo; personnel records or applications under Section

610.021(13), RSMo or records under Section 610.021(14), RSMo which are otherwise protected from disclosure by law; seconded by Commissioner Kelly and unanimously passed.

Commissioner Greene moved to **reconvene the open session of the commission** at approximately 12:30 p.m. at which time the commission adjourned for lunch; seconded by Commissioner Kelly and unanimously passed.

Preparation of the 2002 Impaired Waters List

John Madras, Chief of the Water Pollution Control Program Planning Section, reported lakes, rivers and streams and unclassified waters can appear on the Impaired Waters List. These are waters that cannot meet Water Quality Standards and waters that cannot meet standards through any of the normal methods.

Mike Irwin, Monitoring and Assessment Unit of the Water Pollution Control Program, reported his presentation summarizes the Methodology for the Development of the 2002 Section 303(d) List in Missouri. This document is prepared by the department to educate the public regarding the method used to create the 303(d) list. The document will be available for public comment. The department will then respond to all comments. Mr. Irwin gave a presentation detailing the document.

Four public participation meetings will be held at the Missouri Department of Natural Resources regional offices in St. Louis, Kansas City, Springfield and Jefferson City or Columbia. The final opportunity for public involvement will be at a fall 2001 Clean Water Commission meeting.

Commissioner Greene asked why only University of Missouri graduate student and faculty projects are included.

Mr. Madras responded staff accepts and reviews data from any source. Crowder College and the University of Missouri were included because the department has had contractual relationships with them over the last few years. He continued that this document reflects the federal rules adopted last summer. Mr. Madras stated there is a chance these rules may be changed. The methodology document and schedule were developed to allow for changes if they occur. The federal rule is scheduled to become effective October 1, 2001.

Chairman Herrmann noted he is concerned with classification of streams on the 303(d) list and the Water Quality Standards. He asked where stormwater ditches could be excluded.

Mr. Madras responded staff can look at how streams are listed in the Water Quality Standards and decide what waters we claim we have jurisdiction for and what uses are ascribed to them. There are ways to take existing waters in Table H and change them by conducting a use attainability analysis. Uses and classifications can be downgraded through

this process. Mr. Madras noted the other way to look at these problems is that the Clean Water Act gives direction to protect existing uses and to restore waters.

Chairman Herrmann noted Table H classifies a stream as sustaining flow through all periods of the year or those which contain pools and support aquatic life.

Mr. Madras noted there are many ways to manage the waters on the Impaired Waters List. Having a waterbody on the Impaired Waters List has certain implications for it that are a little bit heavier than they are for most other waterbodies in the state. That doesn't mean that having a waterbody listed as impaired is the only way that we deal with problems.

Water Quality Standards Revision Plan 2001-2003

John Madras, Chief of the Water Pollution Control Program Planning Section, reported revisions were made to the Water Quality Standards in 1994 and 1996. These changes do not become effective until the Environmental Protection Agency approves them as a result of a lawsuit referred to as the Alaska decision. EPA responded to these changes by a lengthy letter last September. Staff has reviewed this document and responded. Items that were disapproved by EPA or the items they found to be inconsistent with the goals of the Federal Clean Water Act comprise the first phase of future revisions. Other items that need to be acted on fairly soon will also be included in the first phase of revisions. A public hearing on proposed rulemaking is anticipated this fall. Phases two and three will be completed through subsequent rulemakings. Mr. Madras noted staff proposes to handle most concerns raised during public comment through phases two and three.

Mr. Madras reported a series of meetings will be held to focus on a limited number of issues. These meetings will occur during April, May and June. The commission will be provided notification of these meetings. Individuals on the commission's mailing list, members of the Water Quality Coordinating Committee and the advisory committee created to advise the department on total maximum daily loads will be involved in these meetings. Notice of the meetings will be included in the public notice packet to inform permittees. Any citizen is welcome to participate. Information will also be posted on the department's web site to be readily accessible.

Chairman Herrmann asked if negotiation with EPA is possible on the metals criteria.

Mr. Madras responded there is room for negotiation on metals. Under the federal rule states are allowed to decide if the EPA criteria fits. It can be tailored to specific states' needs.

Other

Legislative Update

Ed Knight, Director of Staff, reported Senate Bill 312, third party appeals, is sponsored by Senator Caskey and it is supported by the commission and the department. This bill has run into political opposition and no progress has been made. There has not been a committee hearing.

Senate Bill 256 is also sponsored by Senator Caskey to fix the Moates appeals court decision on sewer district authority. The bill would allow sewer districts to force hookups within their boundaries for those that have access to the sewers. This bill has passed the Senate and passed out of the House committee.

Senate Bill 15 sponsored by Senator Mathewson proposes to change the makeup of the Clean Water Commission. Mr. Knight stated the bill mandates that two seats on the commission will represent public entities. It is unclear whether this creates two additional slots or reassigns two existing slots. This bill has had a committee hearing but has not been voted out of committee.

Senate Bill 127 sponsored by Senator Childers provides that Crowder College will review proposals for innovative treatment technologies. Proposals approved by Crowder College would allow construction and operation of facilities that would not have to receive a permit from the Missouri Department of Natural Resources. Mr. Knight reported this bill was voted out of committee but has been returned to the committee.

Chairman Herrmann asked what the intent of Senate Bill 127 is.

Mr. Knight responded he believes it was developed out of frustration coming from trying to get approvals from the department on alternative systems. When something new is seen, staff ask questions and some of this has been perceived as reluctance to approve anything new on the department's part.

Commissioner Perry asked if this would be out of compliance with the Clean Water Act.

Mr. Knight replied there would be an inconsistency between provisions of the Clean Water Act that require staff to issue permits prior to discharge.

Shelley Woods, Assistant Attorney General, stated the newer statute overrides the existing if there is an inconsistency.

Responding to Commissioner Perry's comment, Mr. Knight noted another potential problem if this bill passes is that the state can be no less stringent which could threaten delegation of the program to Missouri.

Commissioners' Conference

Mr. Knight reported the department commissioners' conference has been scheduled for April 6 at the Elm Street complex.

Rulemaking Schedule

An October 25 meeting was scheduled with the potential for a rulemaking hearing at that time. The commission has been invited to attend a Kansas City Chamber of Commerce reception the evening of October 24. A December 19 meeting was scheduled for final action on any rulemaking held in October. This meeting will be held in central Missouri.

Mr. Knight noted a meeting is scheduled for July 18 with no other meeting until October 25. He asked that the commission not schedule another meeting unless issues arise that necessitate another meeting.

Chairman Herrmann reported he received an invitation to an environmental conference at the Lake of the Ozarks July 26 and 27. Commissioner Perry noted she attended last year and it was a worthwhile conference.

Educational Session

An educational session was provided for the commission to provide information regarding the Risk Based Groundwater Remediation Rule that will come before the commission as a rulemaking at a future date.

There being no further business to come before the commission, Chairman Herrmann adjourned the March 21, 2001 meeting at approximately 2:05 p.m.

Respectfully submitted,

Scott B. Totten
Interim Director